

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:12CV374-FDW

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
APPROXIMATELY \$628,282.51 SEIZED)
FROM BANK OF AMERICA WIRE)
TRANSFERS,)
Defendant.)

**DEFAULT JUDGMENT
OF FORFEITURE**

THIS MATTER is before the Court on the government's motion under Fed. R. Civ. P. 55(b)(2) for a default judgment of forfeiture against the defendant property.

THE COURT FINDS THAT:

1. A verified complaint for forfeiture in rem of the defendant property was filed on June 15, 2012. This Court issued a warrant for arrest in rem.
2. Process was fully issued in this action and returned according to law. Pursuant to the warrant for arrest in rem, the government duly seized the defendant property. The government has made repeated attempts by Federal Express to provide direct notice to the only known potential claimant to the defendant property at several addresses in Canada and has submitted evidence of delivery of such notice. Service of process was also made by internet publication of notice, as shown by the declaration filed herein on July 24, 2012.
3. No person has filed a verified claim or an answer within the time allowed by law, and the Clerk has accordingly entered default.
4. Based on the affidavit of U.S. Secret Service Agent Brent Weidner, filed with the complaint, the government has shown probable cause to believe that the defendant property was involved in violations of 18 U.S.C. § 1956(a)(1)(A)(i), § 1956(a)(1)(B)(i), and § 1956(a)(2)(A) and (a)(2)(B)(i), and constitutes or is derived from proceeds of specified unlawful activity as defined in 18 U.S.C. § 1956(c)(7) and § 1961(1), that is, transmission of gambling information in violation of 18 U.S.C. § 1084, and that it is therefore subject to forfeiture to the United States pursuant to 18 U.S.C. § 981(a)(1)(A) and (a)(1)(C).

BASED ON THE FOREGOING FINDINGS, THE COURT CONCLUDES that the government is entitled to a judgment of forfeiture by default against the defendant property.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The government's motion for default judgment of forfeiture is hereby granted.
2. Any and all right, title and interest of all persons in the world in or to the following property is hereby forfeited to the United States; and no other right, title, or interest shall exist therein: the sum of \$628,282.51, consisting of incoming and outgoing wire transfers originating from, or directed to, Definite Payments, Inc., and seized from Bank of America, Utica, New York, between December 21, 2011, and February 28, 2012.
3. The United States is hereby directed to dispose of the forfeited defendant property as provided by law.

Signed: October 1, 2013

A handwritten signature in black ink, appearing to read "Frank D. Whitney", is written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

